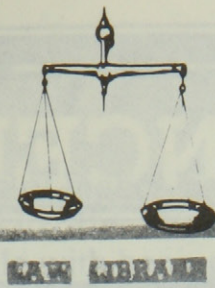


# Quid Novi



LAW LIBRARY

MAR 16 1987

VOL. VII NO.19

MCGILL UNIVERSITY FACULTY OF LAW  
UNIVERSITE MCGILL FACULTE DE DROIT

March 11, 1987  
Le 11 mars 1987

## GOT THE MCGILL BLUES?

by Peter F. Hoffmann

Peter Hoffmann is a McGill law student currently visiting Laval University.

Fed up with McGill?  
Overworked and burnt-out?

### Wet Ones Win Wash War

After a complaint by the Cafeteria Committee as to student distaste with cafeteria staff's simultaneous handling of food and money, the following assurances were received from Les Services Alimentaires C.V.C.:

"Be advised that the staff component will be adjusted, effective March 2, in order that sandwich production and cash handling functions will be performed by two, during the lunch hour. In the off hours the unit will continue to be staffed by one. That employee has been reminded of the need of proper hand washing techniques and has been supplied with moistened, individual towelettes for hand cleaning after money handling."

Now won't that make you sleep better tonight?

Tired of being bumped from your favourite courses? Want to work on your French? A term or two at another law faculty may be just the change of scenery you need to get you through the impending drudgery of third or fourth year.

If Laval University is one of the options you're considering, here's a quick guide to their law faculty.

French: You will improve your French, but don't expect to become bilingual overnight. Much will depend, of course, on your present proficiency, your ability to integrate into a large and often impersonal faculty, and your determination to resist the temptation to congregate with the anglos. Your best bet is to take a few second language courses to give some structure to your pursuit of fluency in the other official language. The Associate Dean (of McGill) may even allow you to count these courses toward your degree, but you'll probably have to do a lot of grovelling, begging and/or pestering.

Courses: The course offering is not as diverse as McGill's, but you'll find enough courses to fulfill your B.C.L. requirements. All courses are worth three credits and there

are no 100% finals; most have 40% or 50% mid-terms, while a few require papers. All courses are taught in one weekly three-hour session.

Course selection is a relatively humane process which gives you ample advance warning of closed courses, and permits you to calmly consider your alternatives. Course outlines are made available before registration, and the professors are not allowed to tinker with the evaluation criteria and methods contained in the outline. If I may indulge in a brief editorial, this is definitely one area where McGill would be well served by emulating Laval's approach. (Do professors read the *Quid*?)

Workload: I am pleased to confirm rumours that the workload at Laval is less, in fact noticeably less, than that at McGill. Initially, however, you may find your French reading ability slows you down. Not to worry, after a few months of practice your skimming technique will reach its full capacity.

Approach: At Laval you have to know your Civil Code. And you can save all your hot air about the economical, historical, political,

Cont'd on p.5



# ANNOUNCEMENTS

## Skit Nite

Show your support for this annual attack of all things legal by buying a T-shirt - now on sale in the pit. While you're there, pick up a few tickets for the best laugh since course "selection".

## Computers

The Library now has an audio-cassette tutorial package entitled "Learning To Use Wordperfect" and several copies of Wordperfect's Learning Guide. Any of these can be signed out at the circulation desk and will enable you to learn the basics in about 2 hours. There are 6 computers in the Library on which Wordperfect will run compared to the 3 that only operate Macwrite. Why not learn Wordperfect before the end-of-semester rush?

## New Legal Aid Executive

Congratulations to the newly chosen McGill Campus Legal Aid Clinic executive:

Dianne George  
Holly Nickel  
Martine Perrault  
Diane Sylvain

Best of luck in 1987-88!

The 1986-87 executive.

P.S. Thanks to all the staffers who make this year's operation a success.

## Attention

Be daring! Expand your horizons! Become more marketable and computer knowledgeable. The *Quid* is looking for someone to take over the position of production manager for next year. If you are creative, enjoy working on computers, (or are a quick learner) and are willing to commit yourself to a few hours per week, drop by the *Quid* office and leave your name.

## OFFICIAL CANDIDATES FOR L.S.A. GENERAL ELECTIONS

THE FOLLOWING LIST OF CANDIDATES WAS POSTED LAST THURSDAY BY CHIEF RETURNING OFFICER, NELSON ESHLEMAN. IN KEEPING WITH THE LEVEL OF INTEREST IN A LOT OF THINGS AROUND HERE, THERE ARE LOTS OF ACCLAMATIONS AND A COUPLE OF VACANT SPOTS. NOTE ALSO THAT NEXT YEAR'S CAST OF PLAYERS WILL BE LARGELY A RESHUFFLING OF ROLES AMONG THIS YEAR'S L.S.A. REPRESENTATIVES. THE NOMINEES ARE:

## Student Rep on Faculty Council

Tom Friedland  
Holly Nickel  
Neil Rabinovitch  
Teresa Scassa

## Treasurer

Kenneth Aboud  
David Morley

## Class President, LL.B. II

Jennifer Dolman  
Jacquie Weber

## NOMINATIONS OPEN AS OF LAST FRIDAY:

### President

David Lametti

### V.P., Common

Bob Higgins

### V.P., Civil

Gary F. Bell

### V.P., University Affairs

Maria Battaglia

### Secretary

Marsha McCaw

### Social Coordinator

No nomination

### Class President, B.C.L. II

Pierre Larouche

### Class President, B.C.L. III

Hélène Tessier

### Class President, LL.B. III

Rob Goldstein

### Class President, B.C.L./LL.B. IV

No nomination



# LETTERS TO THE EDITOR

Dear Editor,

This letter is about an organization that offers a focus and a support system for law students; it is about a group which concerns itself with all aspects of the law and its effects; it is about individuals who are not in competition with each other but who collaborate and cooperate instead. This letter is about a group which has recently been the target of a campaign of "feminist bashing" and hostile backlash. This letter is about "Women and the Law."

At one point in the first term of first year here at McGill, I began to realize that our professors are teaching what has been taught in law faculties for decades, possibly centuries (perhaps by many of the same people): predictable, strictly logical decisions, ratios detached from any larger meaning, the necessity of winning and losing. What "Women and the Law" gave me was a chance to talk about legal and social issues. I could listen to individuals who worked with and cared about how legal decisions affect peoples' lives. "Women and the Law" offered wide and exciting programming, with speakers, films and discussions which probed more deeply into the way the law really works. By the end of first year, it became the most legitimate and valid experience of law school.

Developing critical thinking is necessary in order to be able to view things from various perspectives, to understand how as separate individuals we all may approach the same situation in unique and creative ways. The law faculty as an

institution of higher learning has failed to offer a setting compatible with honing these skills for both our public and private lives. I expect that people who tend to think in only one way or who wish to be "correct" in their way of thinking, do very well in this faculty and in law in general. These same individuals may, without ever attending our programs, reading our literature, or speaking with members, label us "rabid - radical - manhating - sexhating - feminist - humourless - creatures." It is unfortunate that this is the impassioned reaction of many to a small group which is attempting to communicate honestly about real problems, gross inequities,

and issues that underlie and affect all our lives, be they in our faculty, the legal community, or elsewhere.

If concerning ourselves with the minorities, the victims, the poor, the homeless, the oppressed and the "voiceless" is radical, then I remain certain that the law faculty is continuing to turn out the same privileged and insensitive graduates it always has. If speaking out against blatant victimization and systemic discrimination and, indeed, if caring for ourselves and for each other is radical, then I fear for our collective future.

Miriam Baron  
B.C.L. II

---

## Insecurity of Moveables

by Teresa Scassa

Anybody who has ever watched Lassie knows that it's wrong to accuse someone of theft without any evidence. In fact, in a kind of three-year Lassie follow-up, Law School teaches us pretty much the same thing.

This principle is somewhat convenient at the present time, since it would be a most distasteful thing to accuse anyone in this faculty of the rash of thefts that have been occurring. It would be much more comforting to assume that the disappearance of personal possessions from lockers and communal spaces is merely the result of a decision on the part of these objects to liberate themselves from the bonds of human possession.

This spontaneous liberation theory, as applied to shoes, a squash racket, several casebooks and a scarf would present an interesting challenge to the laws of physics. People who leave a locker unguarded and unlocked for even a few minutes have begun to discover their possessions are quick to join freedom's ranks. Piteous ads, pleading for the return of so-called "lost" items, generally prove fruitless, probably because the inanimate objects in question have yet to learn to read.

Actually, enchanting as the thought might be, of casebooks that could learn to highlight themselves, we may have to accept the fact that there is one thief among us. It is

Cont'd on p.5



Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3644 Peel Street, Montreal, H3A 1W9. Production is made possible by support of the Dean's office and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

Editor-in-Chief Terry Pether  
Rédacteur-en-chef

Associate Editor Normand Perreault  
Rédacteur adjoint

Production Manager Joani Tannenbaum  
Directrice de gestion

Staff/ Membres François Cossette  
Andrew Orkin  
Joseph Kary  
Bettina Karpel  
Teresa Scassa  
Robert Tannenbaum  
Jeanne Cadorette  
Brad Condon

Quid Novi est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel, Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur où son origine.

## Pot pourri

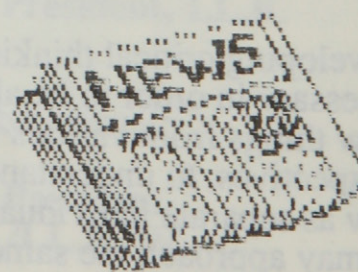
- In Fredericton, N.B. this week, provincial court Judge James Harper found himself on the opposite side of the bench. On trial for allegedly violating an accused's constitutional right to a speedy trial, Harper had refused to proceed with the case on the grounds that provincial court doesn't have the jurisdiction to handle serious indictable offenses. Sixteen months after Kevin Charters was charged with drug-trafficking, Justice David Dickson dismissed the case and criticized Harper for the unreasonable delays, calling him a "ringmaster". In response, defending his stance, Harper accused the higher court judges of practising bad law and being "obnoxious". Whatever happened to professional courtesy?!

- Forewarned is forearmed! Next time you receive a cheque from the provincial government, insist that it be certified if you want to assure yourself payment. Last week, in a frenzy of activity, to which civil servants are unaccustomed, cheques were issued to Crown prosecutors who had been suspended the week before. The cheques were handwritten on ten year old blank cheques from an account that had been closed. The error was later rectified and, yes, the government paid the service charge for the bad cheques.

- After seven weeks of freedom, Perry Ross has learnt that he may have to return to a B.C. prison to serve the remaining nine months of his sentence. A B.C. Supreme Court ruled in January that amendments to the federal

Parole Act allowed parole officials to keep prisoners in custody after having served two-thirds of their sentence if they believed the prisoner was still dangerous. The contentious clause concerned the board's right to withhold the source of information relied upon in coming to their decision. Justice Ken Meredith held that this provision violated fundamental justice and Ross was released. Last week the Court of Appeal unanimously reversed this decision. Ross plans to apply for leave to appeal to the Supreme Court, claiming he is being used as a scapegoat.

- The U.S. Supreme Court handed down a decision that was heartily welcomed by AIDS victims, although no victim was directly involved in the suit. Instigated by a Florida schoolteacher who had been dismissed because she had tuberculosis, the ruling prevents businesses and government entities receiving federal aid from discriminating against people with contagious diseases. In their judgment, the Court held that such discrimination would violate the basic purpose of the Rehabilitation Act of 1973, which is to ensure handicapped persons "are not denied jobs or other benefits because of the prejudiced attitudes or the ignorance of others."





## McGill Blues Cont'd from p.1

philosophical, sociological, demographical, and psychological aspects of law for McGill. At Laval, they just ain't interested - it's hard enough to get students to grasp the LAW. To belabour the point, critical and independent thinking are not hallmarks of Laval's approach to teaching law. For your money you get a basic technical training in law, not a liberal arts primer.

Professors: Like any law school, the quality of professors at Laval varies from outstanding to, well, considerably less than outstanding. Laval's Associate Dean Jean-Guy Belley, believes that the faculty has good people in all areas. Administrative law has been a traditional strength, but the emphasis is gradually shifting towards corporate/commercial law.

Most professors are accessible and helpful, but perhaps not as informal with students as their McGill colleagues. Most are fairly sympathetic towards anglophones, and the majority will let you write exams in English.

Students: The faculty's 870 students are predominately francophone. Surprise, surprise. There are at most two dozen anglos. Almost 65% entered law school straight from CEGEP, and the rest either have a previous university degree or are "adult" students. The majority are from the Quebec City area or points north and that's where most of them will return to practice. The top students, however, usually end up practicing law in Montreal firms. Although Laval doesn't have the diversity of McGill's

law student body, they don't have as many prima donnas either. Moving right along...

Connected by miles of tunnels, and located on a huge campus in the suburbs, Laval looks like it was built on the moon. The law faculty is housed in a gigantic structure which it shares with other disciplines. The sheer size of the building, and the large number of students and staff tend to make Laval's law faculty more impersonal than McGill's, but, on the other hand, chances are good you won't have to run into the class barracuda thirty times a week.

The law library is adequate for basic needs, but not for most advanced research. One advantage is that the reserve desk is open when the library is open.

Admission: First step is to get approval from McGill's Associate Dean. Laval is quite open to McGill students, says Associate Dean Belley, provided there isn't a sudden flood of visiting student applicants. The best route to go is to apply as an "étudiant libre" - this will give the greatest leeway in choosing courses, including non-law courses. Application deadline is July 1st. For more information contact the Associate Dean at either law school.

## Insecurity on Moveables Cont'd from p.3

disappointing to think that any of our fellow students might have such an emphatic disregard for our financial constraints, sentimental attachments and basic rights to privacy and ownership.

As exams approach, and casebooks, notes and summaries become more than just symbolic indications of a workload, students would be well advised to be wary of those who'd rather steal than borrow. Keep an eye on your moveables. It seems that at least one person spells it removeables.

## Speaker's Corner

### Forum National Presents

Bob Rae  
Leader of the Ontario NDP  
Thursday, March 12  
at 1:00 p.m. in  
the Moot Court

McGill International Law Society and Lawyers for Social Responsibility will present the Honourable Warren Allmand, M.P. who as Vice President of Parliamentarians Global Action will talk about the activities of this group in promoting constructive change in the international system.

Tuesday, March 17, 4:00 p.m.  
Room 200

The talk will be followed by a Wine & Cheese from 5:00 - 6:00 p.m. in the Common Room.



# Court Jesters

Extracted from Court Jesters by Peter V. MacDonald, Q.C.

## Frontier Justice

Back about 1890 a justice of the peace in the Regina area pondered the case of a man who admitted taking a rowboat without the owner's permission. The owner said he wanted the fellow punished to the limit.

The JP had to decide what to charge the culprit with, so he started thumbing the index to this trusty Criminal Code. He looked under "boat" and it said "see ship". He returned to "ship" and it said "see piracy". The he looked under "piracy" and it referred him to a section that said that stealing a ship amounted to "piracy". It also referred him to a section that said that the punishment for piracy - the only punishment - was death.

Undaunted, the JP drew up a charge of piracy. He asked the accused how he wished to plead to the charge and he said "guilty". The justice heard the evidence of the owner of the boat, then he imposed sentence:

"The sentence of this court is that you be hanged by the neck until you are dead, and may the Lord have mercy on your soul."

Immediately, the conscientious JP wrote to the Department of Justice in Ottawa and asked that the official hangman be sent to the scene of the crime as soon as possible. In the meantime, he ordered that the gallows be constructed so that they'd be ready for the hangman when he arrived.

It occurred to the Minister of

Justice that the justice of the peace exceeded his jurisdiction, for capital offences were required to be tried by a judge and jury. The case was brought before a higher court for review and the JP's judgment was quashed. The gallows were never completed and the hangman never showed up. Neither did the prisoner. He broke out of the flimsy local lockup and fled as far and as fast as he could.

---

Morris Shumiatcher, Q.C. of Regina, tells about Judge C.B. Rouleau of the Northwest Territories who, back around the turn of the century, found a man guilty of pickpocketing.

"Charlie," he said, "I'm sentencing you to six months in jail."

"Oh, that's terrible," the man said.

"I want you to know," the judge continued, "that if I really thought you were guilty I would have given you six years."

On another occasion, Judge Rouleau bumped into a judge of the Court of Appeal, who told him, "I'm sorry, Judge Rouleau, but we had to overturn yet another of your decisions. If this continues, we'll lose confidence in your judgments."

"Don't let it worry you," he replied. "I lost confidence in the Court of Appeal a long time ago."

---

Horse-stealing was prevalent in the early west and since a horse was often vital to a man's very existence, a stiff jail term always awaited the transgressor. Serge Kujawa, Q.C. of Regina, tells about a

Saskatchewan judge at the turn of the century who sentenced a man to two years for stealing a horse. The accused was furious because the man ahead of him had been convicted of manslaughter and sentenced to only one year.

"How come he kills a man and gets a year and I steal a horse and get two years?" he asked the judge.

Without batting an eye, the judge replied, "There are some people who need killing. There are no horses that need stealing."

---

Former Alberta Chief Justice C.C. McLaurin was a cranky, impatient judge who ploughed through cases in jig time and used words as if they cost sixty dollars each. "Coin of the realm or the Order will go!" he'd say to mortgagors pleading for time in foreclosure actions. "Pay the Jane off!" he'd roar when a husband disputed the amount of alimony he was saddled with. "Get them into bed!" he'd bark to a lawyer he thought slow in presenting evidence of adultery in a divorce case.

"There is only one known instance of the Chief Justice ever taking the time to listen to counsel cite precedents," writes Jim Ross, Q.C., of Edmonton. "It occurred in Calgary and those members of the bar who were present were amazed when the Chief Justice indulged counsel by listening to quotation after quotation from volumes of law reports which stretched the length of the counsel table.

"At the conclusion of the applicant's submissions, the Chief Justice asked if that was all and, on being informed that it was, stated: 'Bullshit, costs to the respondent!'"